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THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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JIM C. BRANNAN,

Plaintiff,

v.

MIKE SMITH et al.,

Defendants.

**MEMORANDUM DECISION &  
ORDER DENYING MOTION FOR  
RELIEF FROM JUDGMENT**

Case No. 2:24-CV-205 DAK

District Judge Dale A. Kimball

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On August 14, 2024, Plaintiff's case was dismissed for failure to prosecute after he ignored two orders during four months in which he did not maintain contact with the Court. (ECF Nos. 9-12.) More than thirty days later, he moved to "re-open case," acknowledging that the "case was closed WITHOUT prejudice," which means that he may file it again in a new action. (ECF No. 16.)

The Court interprets Plaintiff's motion as a request for relief from judgment under Federal Rule of Civil Procedure 60(b), which states in relevant part, "On motion and just terms, the court may relieve a party . . . from a final judgment, order, or proceeding for the following reasons [of] mistake, inadvertence, surprise, or excusable neglect . . . ." Fed. R. Civ. P. 60(b)(1). Plaintiff does not state that any of these reasons apply to his failure to contact the Court and update his address as required. *See* D. Utah Civ. R. 83-1.6(b) ("An unrepresented party must immediately notify the Clerk's Office in writing of any name, mailing address, or email address changes.").

**IT IS THEREFORE ORDERED** as follows:

- (1) Plaintiff's motion for relief from judgment is **DENIED**. (ECF No. 16.)
- (2) Plaintiff's motion for appointed counsel is **DENIED**. (ECF No. 17.)
- (3) This action remains closed.

DATED this 3rd day of March, 2025.

BY THE COURT:

  
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JUDGE DALE A. KIMBALL  
United States District Court